

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/788,787  
Applicant : Jan Peter Sternby, et al.  
Filed : February 27, 2004  
Docket No. : GAMB-42880US2

**RENEWED PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

According to the Image File Wrapper for this case, a Petition to Correct Inventorship under 37 CFR 1.48 was filed in this case on February 17, 2005 (copy of 3-page Petition enclosed). The petition fee was paid. However, this Petition was never acted upon by the PTO. A check of the Bibliographic Data Sheet dated October 29, 2008 still shows the original 4 inventors listed. Accordingly, applicant hereby renews its Petition to Correct Inventorship as set forth in the February 17, 2005 Petition. As explained in that Petition, the correct inventors were named in the original parent 09/425,124 application. The present divisional application was filed from the original 09/425,124 parent application. This divisional application resulted in the amendment or cancellation of the claims so that fewer than all of the original four inventors are actual inventors of the invention being claimed in the present divisional application. Accordingly, applicant requests the deletion of the name of Gary Joel Mishkin who is not an inventor of the invention being claimed herein. The original Petition was signed by a party set forth in 37 CFR 1.33(b) and the present Renewed Petition is signed by a party set forth in 37 CFR 1.33(b). Applicant requests that the inventorship in this application be corrected by deleting Gary Joel Mishkin; and it is acknowledged that Gary Joel Mishkin is not an inventor of the invention being claimed herein. If the processing fee set forth in 37 CFR 1.17(i) has not been previously paid in connection with this Petition, or if any further fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. GAMB-42880US2.

Respectfully Submitted,  
PEARNE & GORDON LLP

By John P. Murtaugh  
John P. Murtaugh, Reg. No. 34226

1801 East 9<sup>th</sup> Street  
Suite 1200  
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(216) 579-1700  
Date: 11-20-2008

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number	10/768,787
Filing Date	02/27/2004
First Named Inventor	Asbrink, et al.
Art Unit	Not assigned yet
Examiner Name	Not assigned yet

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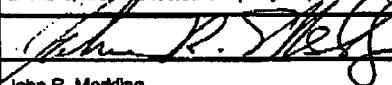
FEB 17 2005

Attorney Docket Number GA-0287-US03

## ENCLOSURES (Check all that apply)

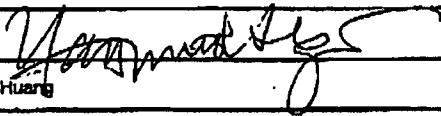
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> Remarks
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Express Abandonment Request		
<input type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Gambro, Inc., Intellectual Property Department (24659)		
Signature			
Printed name	John R. Merkling		
Date	17 Feb 2005	Reg. No.	31716

CERTIFICATE OF TRANSMISSION/MAILING Fax No. 703-872-9316 *Yh 2/17/05*

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	Yanmin Huang
Date	2/17/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17i (11-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PROCESSING FEE****Under 37 CFR 1.17(i)****TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/788,787
Filing Date	02/27/2004
First Named Inventor	Asbrink, et al.
Art Unit	n/a
Examiner Name	n/a
Attorney Docket Number	GA-0267-US03

Enclosed is a paper filed under 37 CFR 1.48 (b) that requires a processing fee (37 CFR 1.17(i)).  
 Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(i), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-2316:

processing fee under 37 CFR 1.17(i)     any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.

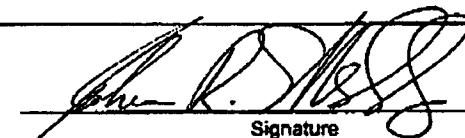
Check in the amount of \$ \_\_\_\_\_ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,  
 Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

§ 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.  
 § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.  
 § 1.48 - for correcting inventorship, except in provisional applications.  
 § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.  
 § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.63(b).  
 § 1.55 - for entry of late priority papers.  
 § 1.99(e) - for processing a belated submission under § 1.99.  
 § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).  
 § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).  
 § 1.103(d) - for requesting deferred examination of an application.  
 § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.  
 § 1.221 - for requesting voluntary publication or republication of an application. Fee Code 1803  
 § 1.291(c)(6) - for processing a second or subsequent protest by the same real party in interest.  
 § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.  
 § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

  
 Signature  
 John R. Merkling  
 Typed or printed name

17 Feb. 2005  
 Date  
 31716  
 Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. GA-0267-US03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ASBRINK; et al. )  
Serial No. 10/788,787 ) Group: n/a  
Filed: February 27, 2004 ) Examiner: n/a  
Title: Switch Valve for an Extracorporeal Blood Circuit )  
And Circuit Including such a Switch Valve )

Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

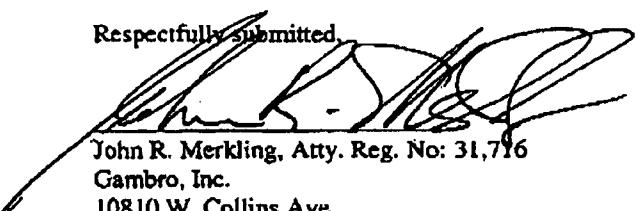
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FEB 17 2005

## PETITION TO CORRECT INVENTORSHIP (37 C.F.R. § 1.48)

Sir,

Pursuant to 37 C.F.R. § 1.48(b), Applicant requests correction of Inventors in this divisional application. The parent application, 09/425,124 filed October 22, 1999, named four inventors, specifically, Jan Peter Sternby, Gary Joel Mishkin, Perry Asbrink, and Eddie Nilsson. The present divisional application claims less than all the claimed subject matter of the parent application. The prosecution of the originally filed non-provisional application having resulted in an amendment or cancellation of the claims so that fewer than all the originally named inventors are the actual inventors of the claimed subject matter of the present divisional application. The invention of Gary Joel Mishkin, originally claimed in 09/425,124, is no longer claimed herein and it is believed to be proper to restrict the inventors in this divisional application to Perry Asbrink, Eddie Nilsson, and Jan Peter Sternby, pursuant to 35 U.S.C. 116 and 37 C.F.R. § 1.48 (b). The undersigned attorney is entitled to make this request pursuant to 37 C.F.R. § 1.33(b). The processing fee set forth in 37 C.F.R. § 1.17(i) is submitted herewith.

Respectfully submitted,

  
17 Feb 2005

Date

John R. Merkling, Atty. Reg. No: 31,716  
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10810 W. Collins Ave.  
Lakewood, Colorado 80215  
(303) 231-4132